# SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

### I. EXECUTIVE SUMMARY

Date of Incident:	July 27, 2016	
Time of Incident:	1:30 PM	
Location of Incident:	and	
Date of COPA Notificatio	n: July 27, 2016	
Time of COPA Notification	on: 9:27 PM	
westbound in the vicinity , fail to stop at a vehicle, Officer advised not to ta	approximately 1:30 P.M., Off-duty Officer of when she observed to stop sign heading eastbound. After informed that she failed to the she cellular phone while driving. Verticer After the verbal exchange,	the complainant, pulled next to Officer to stop at a stop sign and bal exchanges were made
to	icer had physical contact with each of	at the second location of
Involved Officer #1:  Involved Individual #1:	Appointment: 2003, P.O. DTL DD, DOB: 1	ID#, Date of D., Unit of Assignment: 980, Female, White, 1982, Female,
III. ALLEGATION	NS	
Officer A	Allegation	Finding / Recommendation
Officer 1	. Was involved in an unjustified verbal altercation with	Not Sustained

<sup>&</sup>lt;sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

2. Directed profanities towards	Not Sustained
3. Spat on	Not Sustained
4. Followed to her place of residence without justification.	Exonerated
5. Struck with her personal vehicle.	Not Sustained
6. Involved in an unjustified physical altercation with	Not Sustained

#### IV. APPLICABLE RULES AND LAWS

#### Rules

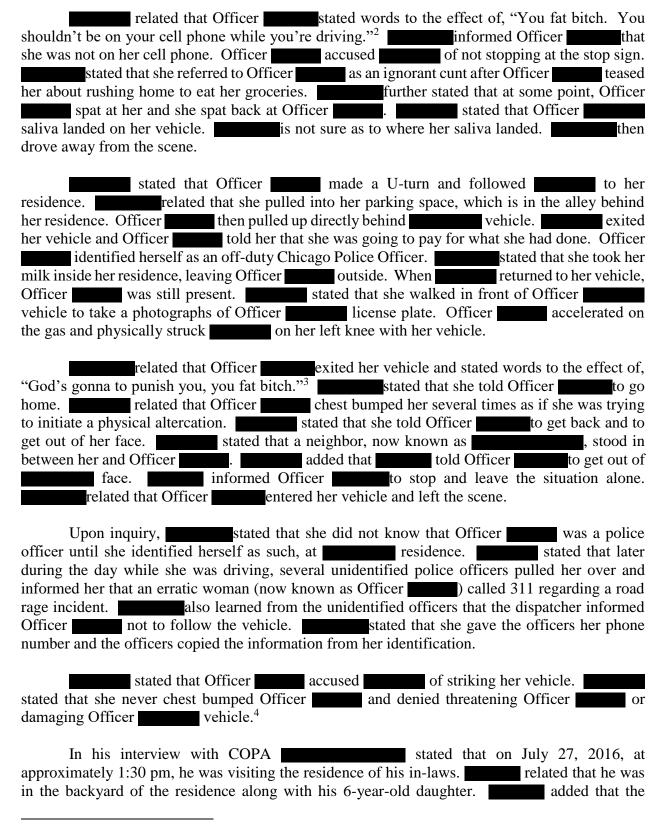
- 1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- 2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- 3. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

### General Orders

### V. INVESTIGATION

### a. Interviews

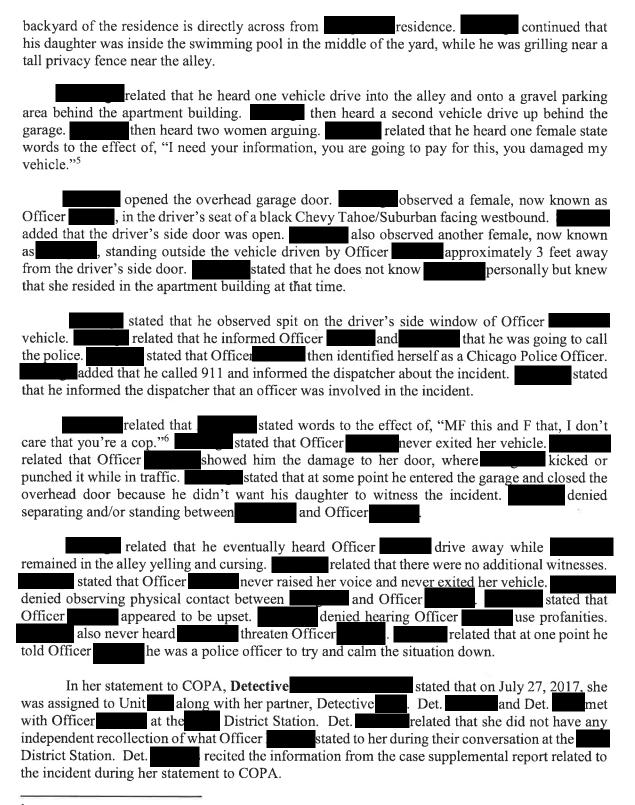
In her interview with IPI	RA on July 28, 2016,	stated that on July 27,
2017, at approximately 1:30 pm	, she drove eastbound on	and stopped at a stop
sign at .	added that there was a vehic	e facing westbound on
at a stop sign.	stated that as she proceeded acre	oss the intersection she observed
that a white female, now know	n as Officer , lo	wered her driver side window.
drove next to Officer	and lowered her window	



<sup>&</sup>lt;sup>2</sup> Attachment #17, 3:48

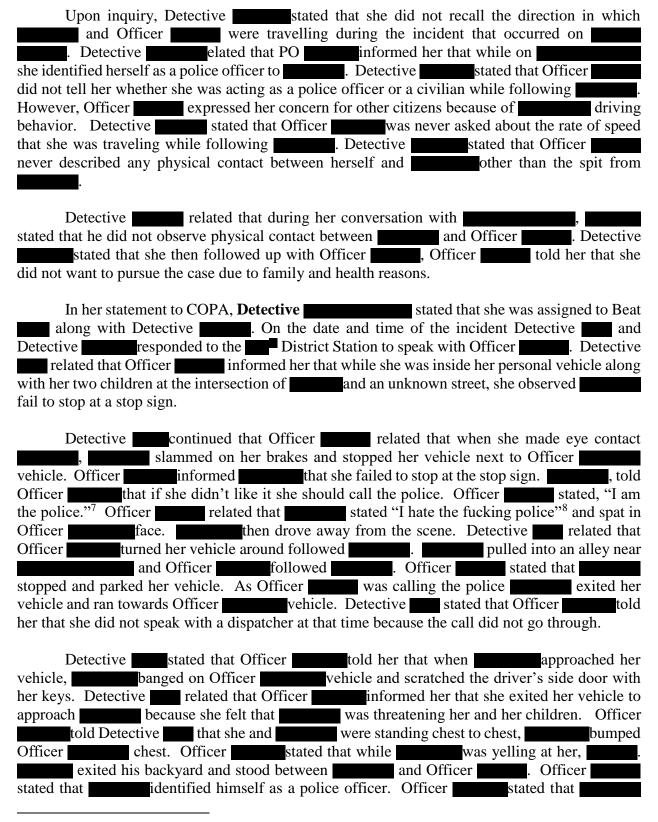
<sup>&</sup>lt;sup>3</sup> Attachment #17, 5:52

<sup>&</sup>lt;sup>4</sup> Attachment #17, 20



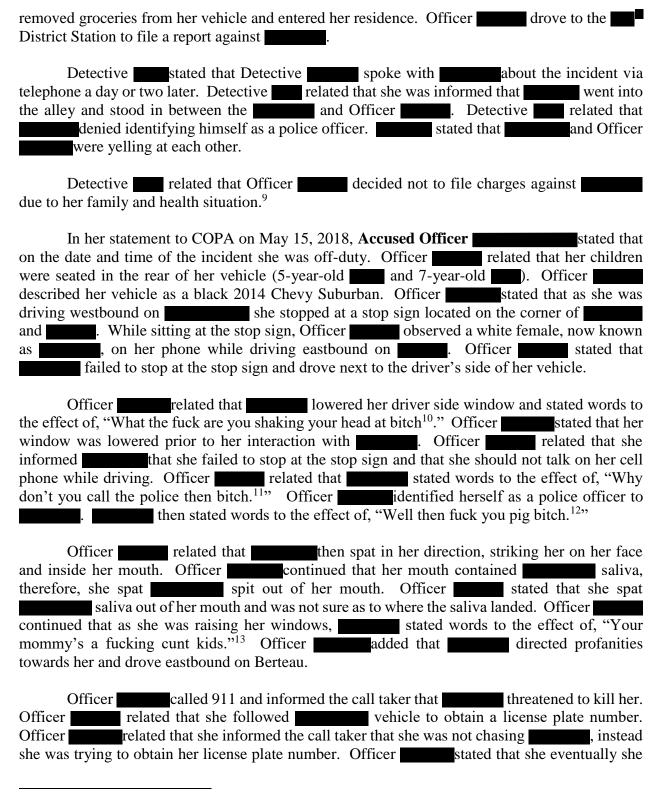
<sup>&</sup>lt;sup>5</sup> Attachment #41, 3:42 – 3:45

<sup>&</sup>lt;sup>6</sup> Attachment #41, 5:08 – 05:11



<sup>&</sup>lt;sup>7</sup> Attachment #43, 4:53 – 4:55

<sup>&</sup>lt;sup>8</sup> Attachment #43, 4:57 – 4:59



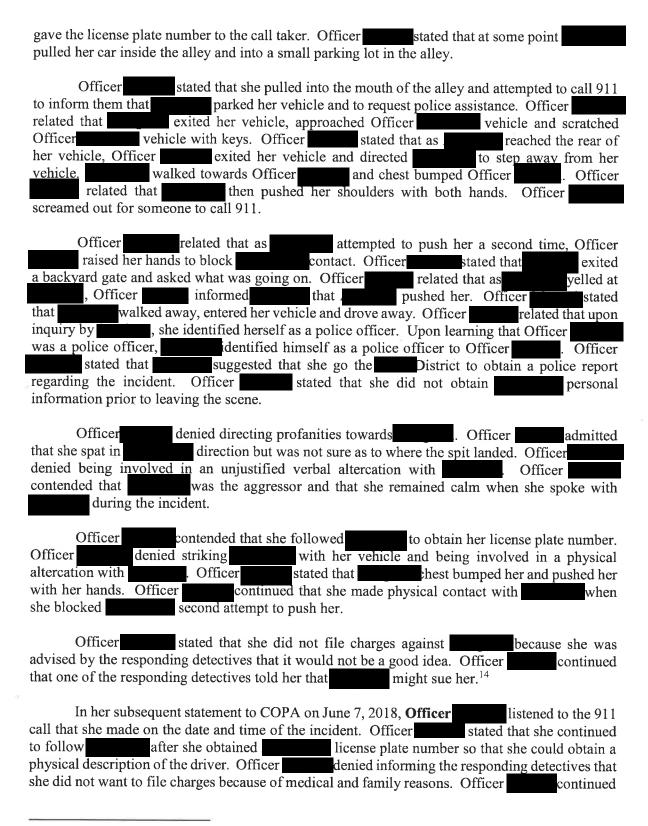
<sup>&</sup>lt;sup>9</sup> Attachment #43

<sup>&</sup>lt;sup>10</sup> Attachment #37, 6:32 – 6:33

<sup>&</sup>lt;sup>11</sup> Attachment #37, 6:44 – 6:45

Attachment #37, 6:51 – 6:52

<sup>&</sup>lt;sup>13</sup> Attachment #37, 7:38 – 7:39



<sup>14</sup> Attachment #37

that one of the responding detectives told her that the case was not a good case. Officer did not recall speaking with the responding detectives about her medical history.<sup>15</sup>

## b. Digital Evidence

The **Evidence Technician Photographs** of the involved vehicles depict white spots on the driver's side door of the photographs also depict a white line and white spots on the driver's side door of the black Chevrolet Suburban, driven by Officer 16.

### c. Physical Evidence

According to the **Medical Records** from was admitted to the emergency room on July 28, 2016 and complained of left knee pain, hip pain and neck pain. Informed the medical personnel that on July 27, 2016, a vehicle struck her parked vehicle and she exited her vehicle to look at the license plate of the vehicle. related that the same vehicle struck her left knee at a low speed. was diagnosed with simple bruising and minor knee trauma. <sup>17</sup>

, # related that on July 27, 2016, he along with

, # (Beat ), 18 responded to a call requesting a supervisor at

## d. Documentary Evidence

In his **Initiation Report**, Sgt.

	. Upon arrival	stated t	hat she wanted to	o file a complaint
against an off-duty (	Chicago Police Officer,	now known as Offic	cer .	related that
during a road rage in	cident, Officer	spat on her and stru	ick her with her v	ehicle.
stated that she sustain	ned an injury to her left	t knee as a result of	the alleged incide	ent. It is reported
that refus	ed medical treatment w	hen offered. It is f	urther reported th	nat Sgt.
did not observe any	visible injuries. (Att. #	:4)	_	-
According to	the Original Case 1	<b>Incident Report</b> an	nd Case Supple	mentary Report
( on July	27, 2016, at approxima	ately 1:50 p.m. Offic	er	entered the
District Station to o	complete a report regai	rding an incident th	nat occurred on J	July 27, 2016, at
approximately 1:32	p.m. Officer re	lated that as she was	s driving her vehi	cle in traffic from
a stop sign westbour	nd on and proce	eeding to make a rig	ght, a	failed to stop at a
stop sign eastbound	on and almost	struck Officer	vehicle.	
Officer	observed that the	female driver, now	known as	, was on her
cellphone.	stopped next to Offic	eer and Offi	icer look	ed in
direction.	shouted, "What" to	owards Officer	. Officer	informed

that she almost struck her vehicle and that was on her cellphone when she

Sgt.

<sup>&</sup>lt;sup>15</sup> Attachment #51

<sup>&</sup>lt;sup>16</sup> Attachment #23

<sup>&</sup>lt;sup>17</sup> Attachment #32

<sup>&</sup>lt;sup>18</sup> Attachment #52, Attendance and Assignment Sheets for July 27, 2016, 016<sup>th</sup> District, Watch

failed to stop at the stop sign. It is reported that stated words to the effect of, "Call the fucking police." Officer then identified herself as a police officer.
spat at Officer and the spit entered Officer mouth. Then stated words to the effect of, "Your mom is a fucking cunt." Officer proceeded to remove the spit from her mouth. The drove away and stated, "I'll kill your police (unsure of what the last word was)." Officer called 911 and followed to obtain her license plate.
Officer followed Ms. to the alley of followed Ms. pulled into a parking spot on the south side of the alley, exited her vehicle and approached Officer fehicle. punched Officer fehicle exited her vehicle and walked to the rear of her vehicle. Officer fexited her vehicle and walked to the rear of her vehicle and directed from to touch her vehicle.
chest bumped Officer and then pushed Officer on her chest with both hands. approached the scene and identified himself as a police officer to Officer entered her vehicle and left the scene. Officer entered her vehicle and drove to the District Station to report the incident.
It is reported that via telephone, stated that he was in the backyard of his in-law's house when he heard a commotion in the alley. observed two females, now known as and Officer yelling at each other. observed approach Officer and yell in her face. placed himself between and Officer to defuse the situation. 19
According to the Chicago Police Event Queries ( , , , , , , , , , , , , , , , , , ,

# VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;

<sup>&</sup>lt;sup>19</sup> Attachment #5, #6

<sup>&</sup>lt;sup>20</sup> It should be noted that Officer did not identify herself as an off-duty Chicago Police Officer to the call taker.

 $<sup>^{21}</sup>$  Attachments 24-28

- 2. Not Sustained where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. Unfounded where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. Exonerated where it is determined by clear and convincing evidence that the conduct

described in the allegation occurred, but it is lawful and proper.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. See Avery v. State Farm

Mutual Automobile Insurance Co., 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., People v. Coan, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." Id. at ¶ 28.

#### VII. ANALYSIS

,# Accused: Allegations #1-6: **Not Sustained** Allegation #4: **Exonerated** COPA's finding is **Not Sustained** for **Allegation #1** that Officer was involved in Officer admit to exchanging words about a stop sign at the intersection of Both parties provided a version of events that diminished their culpability and blamed statement was not helpful. His version was inconsistent with the other person. version. In sum, COPA lacks independent verifiable evidence and of what occurred. Therefore, the allegation is not sustained. COPA's finding is **Not Sustained** for **Allegation #2** that Officer profanities towards . In her statement to COPA stated that Officer referred to her as a "fat bitch." Officer denied referring to as a "fat bitch." There was no independent evidence to prove or disprove this allegation.

COPA's finding is <b>Not Sustained</b> for <b>Allegation #3</b> that Officer spat at/on. In her statement to COPA Officer claimed that spat on her face and in her mouth and while she spit, it was only to spit out saliva. COPA lacks any independent verifiable evidence to support either version. Therefore, the allegation is not sustained.
COPA's finding is <b>Exonorated</b> for <b>Allegation #4</b> that Officer followed admitted to her place of residence without justification. In her statement to COPA Officer admitted that she continued to follow after obtaining her license plate number to obtain a physical description of Regardless of the reason, following a person on a public street is neither a violation of law or a violation of policy.
COPA's finding is <b>Not Sustained</b> for <b>Allegation #5</b> that Officer struck her with her vehicle. In her statement to COPA stated that Officer struck her with her vehicle as she attempted to photograph Officer license plate. According to the medical records obtained from informed the medical staff that a vehicle struck her vehicle and that she was struck on her left knee by the same vehicle when she exited her vehicle to obtain the license plate number. was diagnosed with bruising and minor knee trauma. In her statement to COPA Officer denied striking with her vehicle. There is insufficient evidence to prove or disprove the allegation.
COPA's finding is <b>Not Sustained</b> for <b>Allegation #6</b> that Officer was involved in an unjustified physical altercation with were inconsistent related to what occurred physically. COPA lacks independent verifiable evidence that Officer had a physical altercation with Therefore, the allegation is not sustained.

# VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer	1. Was involved in an unjustified verbal altercation with	Not Sustained
	2. Directed profanities towards	Not Sustained
	3. Spat on	Not Sustained
	4. Followed to her place of residence without justification.	Exonerated
	5. Struck with her vehicle.	Not Sustained
		Not Sustained

6. Was involved in an unjustified physical altercation with

Approved:

	June 6, 2019
Andrea Kersten  Deputy Chief Administrator – Chief Investigator	Date

# Appendix A

Assigned Investigative Staff

Squad#:	
Investigator:	
<b>Supervising Investigator:</b>	
<b>Deputy Chief Administrator:</b>	Andrea Kersten
Attorney:	